

REMARKS

Applicants previously presented claims 1-21 and 23-37 for examination. In the above-identified Office Action, all of the claims have been rejected.

Applicants appreciate the Examiner's detailed comments to the above-identified application. For the reasons to be stated below, however, Applicants respectfully traverse the Examiner's rejections in the Office Action.

By this amendment, Applicants have (a) amended claims 1, 9, 12, 13, 14, 20, 25, 29 and 37 to further clarify the subject matter regarded as the invention; and (b) cancelled claims 35-36. Accordingly, claims 1-21, 23-34 and 37 remain pending. Reconsideration is respectfully requested based on the following remarks.

The Office Action rejected claims 1-21 and 23-37 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,389,454 by Ralston et al. (hereinafter referred to as "Ralston") in view of U.S. Patent No. 5,960,406 by Rasansky et al. (hereinafter referred to as "Rasansky"). Applicants respectfully disagree.

Claim 1

To reject Claim 1, the Office Action first applied Ralston. In general, Ralston is on a system for a patient to schedule an appointment for treatment that utilizes a plurality of services at a multitude of facilities. As corrected pointed out in the Office Action, Ralston "does not explicitly disclose displaying said data in a calendar format or through using another entity."¹

Then, the Office Action brought in Rasansky, which describes an invite process by which a user can invite another person or persons to an event. Rasansky's invite process is distinctly different from Ralston's scheduling appointments, though both might have used similar terms in their respective specifications.

In Rasansky, to invite a person, the important factor is to set the time, not setting the type of event--"a current end user wants to propose times for a meeting"²

¹ The 1st full paragraph on page 4 of the Office Action.

² Col. 2, lines 38-39 of Rasansky.

In Ralston, to schedule an appointment, the first course of action is to "determine any constraints on the scheduling of an appointment for the client."³ "For instance, if a client 20 wishes to schedule a Magnetic Resonance Imaging (MRI) treatment, the MRI may not be capable of administration if the client, for example, wears metal braces on his teeth."⁴ After identifying the constraints, Ralston checks the plurality of services at a multitude of facilities needed for the treatment. With all these issues resolved, Ralston "communicates the various appointment candidates directly to the client."⁵ The appointment scheduling process in Ralston is quite complicated.

To setup an appointment in Ralston, it is important to first determine the type of appointment to make (the constraints in the appointment requested) before resolving the time factors from the different services at many facilities required for the treatment. Thus, Rasansky's invite process is very different from Ralston's scheduling appointments.

Though Rasansky does discuss the use of calendars, it is in a context very different from Ralston's appointment scheduling process. It is not even clear that the calendar system in Rasansky would be that useful in Ralston's complicated context. In Ralston, after resolving all the intricate details required for a treatment, there may not be that many appointment candidates to select from. Anyway, there is no teaching or suggestions of combining the calendars in Rasansky into Ralston, and obviousness cannot be based on hindsight reconstruction alone.

On another front, regarding implemented by an entity independent of the parties in the appointment, again based on hindsight reconstruction, the Office Action asserted that, "It would further be useful to have a party independent of the two scheduling entities perform the scheduling because the system would still be usable by one entity if the other entity's computer system were to go down. If one of the entities had the scheduling functionality on their system and that entity server were to go down, then no entities could use the system. However, if the server were to be operated by another party, the scheduling system could still be used even if the other entity's system were to go down.

³ Col. 5, lines 1-2 of Ralston.

⁴ Col. 5, lines 2-5, of Ralston.

⁵ Col. 5, lines 63-65 of Ralston.

Therefore, the scheduling being done by an outside party would increase security and usability.”⁶

Having an outside party perform the scheduling may not be more “secure and usable” because the outside party’s computer system can also go down. On the contrary, having an outside party perform the scheduling may be more insecure because the scheduling information is now open to a third party, which can breach confidentiality. Thus, having an outside party perform the scheduling could decrease security and usability.

To expedite the prosecution, Applicants has included the following additional limitations to claim 1, namely, (a) checking another calendar of the service provide to determine if there is a conflict between the two calendars due to the selected appointment time, and (b) the another calendar is maintained by the service provider.

These additional limitations further highlight deficiencies in both Ralston and Rasansky. Both references do not teach or suggest such additional limitations. Thus, the rejections on claim 1 are respectfully traversed.

Claim 9

In Claim 9, the Office Action cited column 6, lines 31-51 of Ralston as support for “information entered for the appointment after the appointment is made...”⁷ However, that section of Ralston is on “rescheduling or canceling of previously-scheduled appointments.”⁸ They are on changing a previously-set appointment.

In distinct contrast, for claim 9 the information entered is information regarding the user for the appointment after the user and the selected one of the available service providers have established the appointment at the selected time slot. In other words, the appointment has already been set. After setting the appointment, additional information regarding the user is requested.

To further clarify the differences in the type of information entered, Applicants have added the additional limitations of (a) the information requested is regarding the user, and (b) at least one piece of the information requested from the user depends on the

⁶ The first paragraph on page 5 of the Office Action.

⁷ The first paragraph on page 8 of the Office Action.

⁸ Col. 6, lines 29-30 of Ralston.

industry the selected one of the available service providers is in. Different industries can lead to different requested user information.

To expedite the prosecution, Applicants have added the limitations of the method being implemented by another entity, with the another entity being independent of both the service providers and the user. Therefore the rejections on claim 9 are respectfully traversed.

Claim 12

Regarding claim 12, the Office Action correctly pointed out that the "Ralston does not explicitly disclose a central appointment database that stores calendars for various providers."⁹ Then the Office Action again brought in Rasansky to try to cure the deficiency. As generally explained above in the arguments for claim 1, (a) Ralston's appointment scheduling is very different from Rasansky's invite process, and there is no teachings or suggestions of combining the calendars in Rasansky into Ralston; (b) the scheduling being done by an outside party may decrease security and usability; (c) both Ralston and Rasansky do not teach or suggest a service provider having two calendars, let alone checking for conflicts between them due to the selected appointment slot; and (d) only one of the service provider's calendar is maintained by the service provider. Thus, the rejections on claim 12 are respectfully traversed.

Claim 13

Regarding claim 13, arguments similar to claim 9 above are also applicable to traverse the rejections.

Claim 14

Regarding claim 14, in addition to the fact that there is no teachings or suggestions of combining the calendars in Rasansky into Ralston, and the scheduling being done by an outside party may decrease security and usability, to expedite the prosecution, Applicants have added the limitations of (a) at least some information regarding the service providers are stored in an on-line directory, and (b) providing a

⁹ The last paragraph on page 11 of the Office Action.

search facility that the registered individuals can search the on-line directory for registered service providers to set appointments with.

Both Ralston and Rasansky do not teach or suggest any users searching an on-line directory for registered service providers to set the appointments. There are inherent reasons why such features are not described in the references. For example, as explained above, Ralston's scheduling process is complicated. Only after considering and resolving a multitude of issues, a scheduling server "communicates the various appointment candidates directly to the client"¹⁰. As to Rasansky, for an end user to invite another person or persons, the end user knows *a priori* who the other persons are. There is no need to search a database to identify the other persons for the invitation. Therefore, the rejections for claim 14 are traversed.

Claim 20

Regarding claim 20, the Office Action is correct in stating that "Ralston et al. does not explicitly disclose the use of calendars or the automatic synchronization of a service provider calendar with the appointment database of a local service provider."¹¹ To remedy the deficiency, the Office Action brought in Rasansky, and stated that "However, Rasansky et al. teaches reconciliation of scheduling calendars, where the synchronization occurs as ('the CPU is also directed to cause the transmitter to transmit the scheduling update information to the computer to reconcile the computer calendar'), wherein reconcile is a form of synchronization."¹²

First of all, Applicants cannot find the citation above regarding the CPU in Rasansky. Moreover, both Ralston and Rasansky do not teach or suggest a service provider having two calendars, let alone determine if the requested appointment using one of the calendars conflicts with at least one entry in the other one, which is a local one. Therefore, claim 20 cannot be obvious in view of Ralston and Rasansky, singly or in any combination, and the rejections on claim 20 are respectfully traversed.

¹⁰ Col. 5, lines 63-65 of Ralston.

¹¹ The first full paragraph on page 19 of the Office Action.

¹² The last paragraph on page 19 to the first paragraph on page 20 of the Office Action.

Claim 25

Regarding claim 25, (a) Ralston's scheduling appointments is very different from Rasansky's invite process, and there is no teaching or suggestion of combining the calendars in Rasansky into Ralston; (b) the scheduling being done by an outside party may decrease security and usability; and (c) Ralston and Rasansky do not teach or suggest at least some information regarding the registered users being stored in an on-line directory, where a search facility is provided that a registered user can search the on-line directory for another registered service to schedule appointment with. Therefore, the rejections for claim 25 are respectfully traversed.

Claim 29

Regarding claim 29, Applicants agree with the Office Action that "Ralston et al. does not explicitly disclose registering service providers for online appointments over the global computer network, said registering providing appointment availability information for the registered service providers."¹³ However, Applicants respectfully disagree with the subsequent assertions made in the Office Action that, "it is old and well known in the art to have service providers register for a scheduling system."¹⁴ Claim 29 is not on any type of scheduling system; it describes at least a scheduling system that is on (a) registering service providers (b) for online appointments (c) over the global computer network, and (d) said registering providing appointment availability information for the registered service providers.

Also, the scheduling being done by an outside party may decrease security and usability.

To expedite the prosecution of the application, Applicants have included similar limitations from claims 35 and 36 into claim 29.

Regarding the limitations in claim 36, the Office Action asserted that Ralston et al. teaches "providing a search facility that users can search for a particular service provider by searching through the on-line directory; wherein once the particular service provider is found using the search facility, said scheduling of an on-line appointment

¹³ Second to the last paragraph on page 25 of the Office Action.

¹⁴ Second to the last paragraph on page 25 of the Office Action.

between a user and the particular service provider over the global computer network (see abstract and column 4, lines 17-49, an appointment is scheduled on-line with the service provider).”¹⁵

The abstract of Ralston does not teach anything about search. As to the sections in column 4, lines 17-49, Ralston discusses the multiple facilities of an organization providing the services, and a client scheduling an appointment for a special type of treatment. There is no teaching or discussions on search in that section. Actually, the word “search” does not appear in the specification of Ralston. Thus, the rejections on claim 29 are respectfully traversed.

Conclusion

Based on the foregoing, it is submitted that claims 1, 9, 12, 13, 14, 20, 25 and 29 are patentably distinct from Ralston and/or Rasansky. In addition, it is submitted that dependent claims 2-8, 10, 11, 15-19, 21, 23, 24, 26-28, 30-34 and 37 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from Ralston and/or Rasansky. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1-21, 23-34 and 37 under 35 USC § 103(a). Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,



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¹⁵ The second full paragraph on page 28 of the Office Action.